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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER	
RAPILLO, KRISTINE K	

ART UNIT	PAPER NUMBER
3626	

NOTIFICATION DATE	DELIVERY MODE
08/25/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent_docketing@intprop.com
ptomhkkg@gmail.com

Office Action Summary	Application No.	Applicant(s)	
	10/702,088	MADILL ET AL.	
	Examiner	Art Unit	
	KRISTINE K. RAPILLO	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-6,9-14,16-21,24-37,39-42,45-65 and 158-165* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,9-14,16-21,24-37,39-42,45-65 and 158-165* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/7/2007;6/6/2008; 7/7/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to an amendment submitted April 27, 2009. Claims 1, 42, 48 - 54, 62, 64 - 65, 160, and 165 are amended. Claims 2—3, 7 – 8, 15, 22 – 23, 38, 43 – 44, and 66 – 157 were previously cancelled. Claims 1, 4 – 6, 9 – 14, 16 – 21, 24 – 37, 39 – 42, 45 - 65, and 158 - 165 are presented for examination.

Claim Objections

2. The objections to claims 1, 48, 54, 62, and 64 are hereby withdrawn based upon the amendment submitted April 27, 2009.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 54 – 61 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In order for a method to be considered a "process" under 35 USC § 101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 53, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under 35 USC § 101 and is non-statutory subject matter. With regard to claim 54, the method claimed by the Applicant is not tied to another statutory class as it recites the limitations "associating a loss type", "providing at least one request", "determining one or more loss types", "applying one or more business rules", and "assessing at least one total fraud potential indicator". The method claimed does not include a particular machine, nor does it transform the data. The method steps recited in the body of claim 54

could reasonably be interpreted to encompass a human being performing these steps. Claims 55 - 61 have similar deficiencies as noted above with regard to claim 54 and therefore are rejected for substantially the same reason.

The above deficiency can be overcome by expressly stating in the body of the claimed method, using a computer (apparatus) or terminal, for example, which makes the claim useful.

NOTE: The following art rejections assume that the subject matter of claims 54 – 61 will be amended to recite statutory subject matter. The art rejections are provided herein below for the Applicant's consideration on the condition that the Applicant properly incorporates a computer (apparatus) or terminal as discussed above in the rejections under 35 USC 101 in the next communication sent in response to the present Office Action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 4 - 6, 9 – 14, 16 – 21, 24 – 26, 33, 35, 39 – 42, 45 – 59, 61 - 65, and 158 - 161 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pendleton, herein after Pendleton (U.S.

Patent Number 6,253,186) in view of Hillmer et al., herein after Hillmer (U.S. Publication Number 2003/0069820 A1).

In regard to claim 1 (Currently amended), Pendleton teaches a method, comprising:

associating a loss type value with each of at least two of a plurality of loss types (column 9, lines 36 - 45 and claim 21 where the loss types are interpreted as billing and insurance for providers and suppliers), wherein the loss type value is a numerical value that varies by loss type (claim 1d), wherein the loss type values for the loss types are indicative of a potential for fraud associated with a respective loss type (column 1, lines 49 – 66 where a fraud indicator determines potential for fraud using claim data submitted by providers and suppliers);

providing at least one request data element for at least one request to a computer system (column 1, lines 27 – 34 where the data request element is a medical provider);

determining, for the at least one request, one or more loss types from among the plurality of loss types associated with the loss type values (column 5, lines 33 – 50 where the system and method disclosed by Pendleton recognizes patterns of suppliers and providers from extracted claims);

a computer system applying one or more business rules (column 3, lines 65 – 67 and column 9, lines 35 – 64) to the at least one request data element to determine a fraud potential indicator (column 2, lines 8 – 31 and column 7, lines 4 – 59),

assessing at least one total fraud potential indicator for the at least one request based on at least one of the applied business rules (column 9, lines 35 – 45 where an expert system analyzes provider records in accordance with a plurality of expert system rules); and

wherein the at least one total fraud potential indicator comprises an estimate of a probability of fraud in the at least one request (*column 2, lines 18 – 31 and column 7, lines 4 – 59).

Hillmer teaches a method comprising a computer system wherein at least one of the applied business rules applies a loss type multiplier whose value includes the loss type value associated with at least one of the one or more determined loss types of the plurality of loss types (paragraph [0036]), wherein the value of the loss type multiplier is indicative of a potential for fraud associated with the loss

types for the at least one request (paragraph [0036]); and, at least one of: a) at least one comparison of the at least one request data element to a datum in a database (paragraphs [0025] and [0032]); and b) at least one comparison of the at least one request data element to at least one fraud model (claim 5 where a comparison is made with a negative (fraudulent) database).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method comprising a computer system wherein at least one of the applied business rules applies a loss type multiplier whose value includes the loss type value associated with at least one of the one or more determined loss types of the plurality of loss types, wherein the value of the loss type multiplier is indicative of a potential for fraud associated with the loss types for the at least one request; and, at least one of: a) at least one comparison of the at least one request data element to a datum in a database; and b) at least one comparison of the at least one request data element to at least one fraud model as taught by Hillmer, within the method of Pendleton, with the motivation of providing a fraud score to determine potentially fraudulent behavior (paragraph [0008]).

In regard to claim 4 (Previously presented), Pendleton and Hillmer teach the method of claim 1. Pendleton teaches a method wherein the total fraud potential indicator is assigned by adding together the at least two fraud potential indicators (column 7, lines 8 – 13).

In regard to claim 5 (Previously presented), Pendleton and Hillmer teach the method of claim 1. Pendleton further teaches a method wherein the total fraud potential indicator is assigned by averaging at least two fraud potential indicators (column 7, lines 25 – 28).

In regard to claim 6 (Original), Pendleton and Hillmer teach a method as per claim 1. Pendleton teaches a method wherein at least one request data element comprises at least one of: a claimant's name; a witness's name; an insured's name; a medical provider's name; an involved business's name; an involved business's address; a date of the at least one request; a date of loss; identification of an involved vehicle; an inception date of a policy; an expiration date of a policy; an address of a party related to the at

least one request; a detail of the loss or an accident leading to the loss; a detail of an accident; a type of accident; a number of parties involved; a type or degree of property damage; a type or degree of injuries; a trajectory of vehicles in a vehicle accident; and a location of an accident (column 1, lines 49 – 60 where Pendleton collects data on a plurality of providers and suppliers; it is implied that this data would include a providers name).

In regard to claim 9 (Original), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method wherein the at least one comparison of at least one request data element to at least one fraud model comprises determining if at least one request data element approximately matches at least one fraud model (Figure 3B; paragraphs [0032] and [0049]; and, claim 2g). Hillmer discloses determining address verification against a database for fraud, which implies a customer/insured's name is also verified.

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 10 (Original), Pendleton and Hillmer teach the method of claim 1. Pendleton teaches a method wherein the at least one comparison of at least one request data element to at least one fraud model comprises assigning a fraud potential indicator based on the nearness of an approximate match of a fraud model to at least one request data element (column 2, line 57 through column 3, line 10 where a computer system determines the fraud indicator).

In regard to claim 11 (Original), Pendleton and Hillmer teach the method of claim 1. Pendleton teaches a method wherein assessing at least one fraud potential indicator comprises determining if at least one request data element approximately matches at least one fraud model, and assessing at least one fraud potential indicator based on which request data element is approximately matched (column 2, line 57 through column 3, line 10 where Pendleton teaches a method and system which analyzes request

data elements (i.e. medical provider) and assigns a fraud indicator based on a fraud model (i.e. fraud pattern)).

In regard to claim 12 (Original), Pendleton and Hillmer teach the method of claim 1. Pendleton teaches a method wherein assessing at least one fraud potential indicator comprises determining if at least one request data element approximately matches at least a portion of a data element in a database (column 2, line 57 through column 3, line 10).

In regard to claim 13 (Previously presented), Pendleton and Hillmer teach the method of claim 1. Pendleton teaches a method further comprising referring the at least one request for review if at least one total fraud potential indicator exceeds a threshold value (column 7, lines 35 – 41).

In regard to claim 14 (Previously presented), Pendleton and Hillmer teach the method of claim 13. Pendleton teaches a method wherein the threshold value is adjusted to control the number of requests with at least one total fraud potential indicator exceeding the threshold value (column 7, lines 41 – 44).

In regard to claim 16 (Original), Pendleton and Hillmer teach a method as per claim 1. Pendleton teaches a method wherein at least one fraud model is based on at least one historical fraud pattern (Figures 13 and 14; column 3, lines 51 – 67; and, claim 33).

In regard to claim 17 (Previously presented), Pendleton and Hillmer teach the method of claim 1. Pendleton teaches a method wherein at least one total fraud potential indicator comprises at least one of: a numerical indicator; a ranking; and a pass/fail indicator (Claim 1 where Pendleton teaches analyzing the claims data to produce a numerical fraud indicator).

In regard to 18 (Previously presented), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method wherein assessing the at least one total fraud potential indicator includes determining an absence of fraud in a request (paragraph [0025]).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to 19 (Original), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method comprising assessing the probability of fraud in at least two requests, wherein the at least two requests are ranked in order of potential for fraud in each request (paragraph [0042] and Table 1 where a value is assigned to various parameters based on relationships, thus a rank of -1.0 has a lower potential for fraud than a +0.25 as illustrated in Table 1).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to 20 (Original), Pendleton and Hillmer teach the method of claim 1. Pendleton further teaches a method wherein the at least one comparison of at least one request data element to a datum in a database comprises comparing at least one request data element to a watch list database, wherein the watch list database comprises at least one specified data element specified by an entity (column 8, lines 7 – 31).

In regard to 21 (Original), Pendleton and Hillmer teach the method of claim 20. Pendleton further teaches a method wherein the entity is notified if at least one request data element matches at least one specified element in the watch list (column 8, lines 7 – 31).

In regard to 24 (Previously presented), Pendleton and Hillmer teach the method of claim 1. Pendleton further teaches a method wherein a multiplier value for at least one fraud potential indicator comprises a ranking multiplied by a point weight multiplied by an adjustment number (column 7, lines 32 – 35). Pendleton fails to explicitly disclose a multiplier, however this feature is disclosed by Hillmer.

Hillmer discloses a multiplier (paragraph [0036]).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to 25 (Previously presented), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method comprising: reassessing the at least one request data element for the at least one request (Figure 2B and paragraph [0051]); and updating the at least one total fraud potential indicator for the at least one request based on the reassessment (paragraphs [0051] and [0052]).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to 26 (Original), Pendleton and Hillmer teach the method of claim 1. Pendleton teaches a method wherein the database comprises at least one of: an insurance industry database; a commercial mailbox database; a company historical request database; a special investigation unit database; a sanctioned medical provider's database; and a custom watch list database (column 4, lines 51 – 67 where a database comprises potentially fraudulent providers or suppliers).

In regard to claim 33 (Original), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method wherein at least one business rule assess a probability of fraud in the at least one request based on a loss type (claim 39 and paragraph [0025]).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 35 (Original), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method wherein at least one business rule assesses a probability of fraud in the at least one request based on who reported the at least one request (paragraphs [0023], [0030], [0032], and [0043]; claim 39).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to 39 (Previously presented), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method wherein assessing at least one total fraud potential indicator is based on an identity verification engine to verify the identification of at least one data request element (paragraph [0032]).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to 40 (Original), Pendleton and Hillmer teach the method of claim 39.

Hillmer teaches a method wherein at least one data request element verified includes an insured, a claimant, a doctor, a lawyer, or an involved business (paragraph [0032]).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to 41 (Original), Pendleton and Hillmer teach the method of claim 39.

Hillmer teaches a method wherein at least one of a public record and a bill is used to verify the identification of at least one request data element (paragraphs [0039], [0049], and [0059]).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to 49 (Currently Amended), Pendleton and Hillmer teach the computer readable storage medium of claim 48. Pendleton teaches a computer readable medium (Abstract; Figure 24; and column 2, lines 57 – 64).

Hillmer teaches wherein the at least one request comprises at least one of: a check; an insurance claim; and a loan (paragraph [0023]).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to 50 (Currently Amended), Pendleton and Hillmer teach the computer readable storage medium of claim 48. Pendleton teaches a computer readable medium (Abstract; Figure 24; and column 2, lines 57 – 64) comprising assessing a total fraud potential indicator of at least one request from at least two fraud potential indicators (column 7, lines 9 – 15 where adding the indicators implies at least two fraud potential indicators were determined).

In regard to 55 (Original), Pendleton and Hillmer teach the method of claim 54. Pendleton further teaches a method further comprising modifying a minimum referral fraud potential indicator for at least two fraud potential detection techniques using at least two fraud potential indicators from at least one fraud potential detection technique to obtain a selected quantity of referrals for further review (column 2, lines 37 – 56).

In regard to 57 (Original), Pendleton and Hillmer teach the method of claim 54. Pendleton teaches a method wherein at least one fraud potential detection technique comprises predictive modeling (Figure 14; column 10, lines 52 – 58; and, claim 31).

In regard to 58 (Original), Pendleton and Hillmer teach the method of claim 54. Pendleton teaches a method wherein at least one fraud potential detection technique comprises predictive modeling (column 10, lines 36 – 58).

Hillmer teaches a method wherein assessing a probability of fraud using predictive modeling comprises assessing at least one fraud potential indicator based on at least one comparison of at least one request data element to at least one fraud model (claim 5).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to 61 (Original), Pendleton and Hillmer teach the method of claim 54.

Hillmer teaches a method wherein at least one fraud potential detection technique comprises assessing request data for fraud from at least one business rule (paragraph [0043]).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 158 (Previously Presented), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method wherein the value of the loss type multiplier is more indicative of a potential for fraud for requests that are more unusual or difficult to verify and less indicative of a potential for fraud for requests that are less unusual or difficult to verify (paragraph [0036]).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 159 (Previously presented), Pendleton and Hillmer teach the method of claim 1. Pendleton further teaches a method wherein the loss type multiplier comprises the sum of loss type multiplier for two or more loss types associated with the at least one request (Figure 7 - Composite Fraud Indication and Figure 14; column 2, lines 18 – 26) where Pendleton discloses computing a composite of fraud indicators.

In regard to claim 160 (Currently Amended), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches method wherein a loss type multiplier (paragraph [0036]) comprises at least one negative value wherein the negative value is associated with a contra-indication of fraud for a loss type associated with the at least one request (paragraph [0042] – table 1).

The motivation to combine the teachings of Pendleton and Hillmer is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 161 (Previously presented), Pendleton and Hillmer teach the method of claim 1. Pendleton teaches a method wherein applying at least one loss type multiplier comprises multiplying at least one loss type value by a number of matches for the request (Figure 20; column 5, line 33 through column 6, line 3).

System, Computer Readable Medium, and Method claims 42, 45 – 48, 51 – 54, 56, 59, and 62 - 65 repeat the subject matter of claims 1, 9, 11 – 13, 39, and 55. As the underlying processes of claims 1, 9, 11 – 13, 39, and 55 have been shown to be fully disclosed by the teachings of Pendleton and Hillmer in the above rejections of claims 1, 9, 11 – 13, 39, and 55; as such, these limitations (42, 45 – 48, 51 – 54, 56, 59, and 62 - 65) are rejected for the same reasons given above for claims 1, 9, 11 – 13, 39, and 55 and incorporated herein.

8. Claims 27 - 28, 32, 60, and 162 – 164 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pendleton, herein after Pendleton (U.S. Patent Number 6,253,186) in view of Hillmer et al., herein after Hillmer (U.S. Publication Number 2003/0069820 A1) as applied to claim 1 above, and further in view of Forman (U.S. Patent Number 6,826,536).

In regard to 27 (Original), Pendleton and Hillmer teach the method of claim 1. Pendleton teaches a method wherein the at least one fraud model comprises a suspicious relationship between parties (column 10, lines 36 – 58).

Forman teaches a method where a least one fraud model comprises a relationship between parties involved in an accident (column 14, lines 58 – 67 where Forman discloses fraudulent claims associated with an automobile accident).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method where a least one fraud model comprises a relationship between parties involved in an accident as taught by Forman, within the method of Pendleton and Hillmer, with the

motivation of providing a tool which triggers the probability of the submission of a false or fraudulent claim (column 4, lines 57 – 64).

In regard to claims 28 (Original), Pendleton and Hillmer teach the method of claim 1.

Forman teaches a method wherein at least one business rule is used to assess a probability of fraud based on the details of an accident (column 12, lines 47 – 65 and column 14, lines 58 – 67) where Forman discloses a fraud indicator trigger which analyzes the insurance claims based upon injuries received as a result of an accident, as well as treatment by the same physician.

The motivation to combine the teachings of Pendleton, Hillmer, and Forman is discussed in the rejection of claim 27, and incorporated herein.

In regard to claim 32 (Original), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method wherein at least one business rule assesses the probability of fraud (claim 39).

Forman teaches a method wherein the at least one request is based on an injury type (column 10, lines 33 - 38).

The motivation to combine the teachings of Pendleton, Hillmer, and Forman is discussed in the rejection of claim 27, and incorporated herein.

In regard to 60 (Original), Pendleton and Hillmer teaches the method of claim 54.

Hillmer teaches a method wherein assessing the probability of fraud using identity search of insurance data comprises assessing at least one fraud potential indicator based on at least one comparison of at least one request data element to additional insurance data (claim 5).

Forman teaches a method wherein at least one fraud potential detection technique comprises identity searching of insurance data (column 6, line 54 through column 7, line 20).

The motivation to combine the teachings of Pendleton, Hillmer, and Forman is discussed in the rejection of claim 27, and incorporated herein.

In regard to claim 162 (Previously presented), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method further comprising applying one or more business rules (column 3, lines 65 – 67 and column 9, lines 35 – 64) to the at least one request data element (column 2, lines 8 - 31 and column 7, lines 4 - 59) and a multiplier (paragraph [0036]).

Forman teaches a method further comprising wherein at least of the one business rules applies an injury type multiplier based on at least one injury type associated with the at least one request to determine a fraud potential indicator, wherein the value of the injury type multiplier depends on a tendency for fraud associated with at least one injury type associated with the at least one request (column 10, lines 33 – 38) where Forman teaches a fraud trigger that examines multiple claims, such as injuries, diagnosed by a specific provider.

The motivation to combine the teachings of Forman, Hillmer, and Pendleton is discussed in the rejection of claim 27, and incorporated herein.

In regard to claim 163 (Previously Presented), Pendleton and Hillmer teach the method of claim 162.

Hillmer teaches a multiplier (paragraph [0036]).

Forman teaches a method wherein the injury type multiplier comprises the sum of injury type multipliers for two or more injury types associated with the at least one request (column 10, lines 16 – 38).

The motivation to combine the teachings of Forman, Hillmer, and Pendleton is discussed in the rejection of claim 27, and incorporated herein.

In regard to claim 164 (Previously Presented), Pendleton and Hillmer teach the method of claim 162.

Hillmer teaches a method wherein the injury type multiplier comprises at least one negative value, wherein the negative value is associated with a contra-indication of fraud for an injury type associated with the at least one request (paragraph [0036] and Table 1 (paragraph [0042])).

The motivation to combine the teachings of Forman, Hillmer, and Pendleton is discussed in the rejection of claim 27, and incorporated herein.

9. Claims 29 – 31, 36, and 165 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pendleton, herein after Pendleton (U.S. Patent Number 6,253,186) in view of Hillmer et al., herein after Hillmer (U.S. Publication Number 2003/0069820 A1) and further in view of Freedman et al., herein after Freedman (U.S. Publication Number 2002/0002475 A1).

In regard to claim 29 (Original), Pendleton and Hillmer teach the method of claim 1.

Freedman teaches a method wherein at least one business rule compares a date of report of a loss (Figure 1; paragraphs [0017], [0143], and [0175]) and a date of the loss (paragraphs [0126], [0132], and [0225]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein at least one business rule compares a date of report of a loss and a date of the loss as taught by Freedman, within the method of Pendleton and Hillmer, with the motivation of providing an effective fraud prevention service for the automobile industry (paragraph [0177]).

In regard to claim 30 (Original), Pendleton and Hillmer teach the method of claim 1.

Freedman teaches a method wherein at least one business rule compares a date of a reported loss (Figure 1; paragraphs [0017], [0143], and [0175]) and a date of inception of an insurance policy (paragraph [0114] where a binder is issued).

The motivation to combine the teachings of Pendleton, Hillmer, and Freedman is discussed in the rejection of claim 29, and incorporated herein.

In regard to claim 31 (Original), Pendleton and Hillmer teach the method of claim 1.

Freedman teaches a method wherein at least one business rule compares a date of a reported loss and a date of expiration of an insurance policy (paragraph [0098]).

The motivation to combine the teachings of Pendleton, Hillmer, and Freedman is discussed in the rejection of claim 29, and incorporated herein.

In regard to claim 36 (Original), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method wherein at least one business rule assesses the probability of fraud (claim 39).

Freedman teaches a method wherein at least one request is based on the number of vehicles involved (paragraphs [0017], [0047], [0048], [0113], and [0129]).

The motivation to combine the teachings of Pendleton, Hillmer, and Freedman is discussed in the rejection of claim 29, and incorporated herein.

In regard to claim 165 (Currently Amended), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method wherein the numerical value of the loss type value varies (paragraph [0042], Table 1). Hillmer fails to disclose the value corresponding to a vehicle collision.

Freedman teaches a method wherein each of at least two of the plurality of loss types of the plurality of loss types corresponds to a type of vehicle collision (Paragraphs [0013], [0036], and [0055]).

The motivation to combine the teachings of Pendleton, Hillmer, and Freedman is discussed in the rejection of claim 29, and incorporated herein.

10. Claims 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pendleton, herein after Pendleton (U.S. Patent Number 6,253,186) in view of Hillmer et al., herein after Hillmer (U.S. Publication Number 2003/0069820 A1) and further in view of Browning et al., herein after Browning (U.S. Publication Number 2004/0083140 A1).

In regard to claim 34 (Original), Pendleton and Hillmer teach the method of claim 1.

Hillmer teaches a method wherein at least one business rule assesses the probability of fraud (claim 39).

Browning teaches a method wherein at least one request is based on an existence of a police report (claim 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein at least one request is based on an existence of a police report as taught by Browning, within the method of Pendleton and Hillmer, with the motivation of providing a consumer with a means of protection against fraud; check fraud is the primary focus, however, the protection can be used for other embodiments (Abstract and paragraph [0032]).

In regard to claim 37 (Original), Pendleton and Hillmer teach the method of claim 1.

Browning teaches a method wherein at least one business rule assess a probability of fraud in the at least one request based on time difference between the date of a check and the date a check is cashed (Figure 3 and paragraph [0033]).

The motivation to combine the teachings of Pendleton, Hillmer, and Browning is discussed in the rejection of claim 34, and incorporated herein.

Response to Arguments

11. Applicant's arguments filed April 27, 2009 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed April 27, 2009.

In response to the Applicant's argument, it is respectfully submitted that the Examiner has applied new prior art, as well as new passages and new citations to the claims; as such, Applicant's remarks with the regard to the application of Torres and Pendleton are moot with the addition of the Hillmer and Freedman references, as addressed in the above Office Action.

Claim Rejections - 35 USC § 101

The 35 U.S.C. 101 rejections of claims 54 – 61 are maintained. The Examiner respectfully submits that the addition of the computer system to the applying step is insufficient to overcome the 101 rejection as none of the analysis steps, such as determining or assessing are tied to a particular machine.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/C. Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626